

HIGH TRIBUTE TO THE SUPREME JUDGES

Oklahomans haven't many candidates to vote for at the approaching election, but what few offices are to be filled are important ones. Two of them are seats on the Supreme bench, now held by Chief Justice Robert L. Williams and Associate Justice Samue W. Hayes, who are candidates for re-election. They drew the short term which expires next January. Such was the appreciation of their services in the Supreme court that both were re-nominated by the Democrats in their respective districts without opposition in recognition of their able services to the voters of the state should pay them the compliment of a tremendous vote in November.

Well do the lawyers know how hard a task the members of the court have had. Taking the oath of office and organizing for business the very day Oklahoma became a state, the judges freed a docket of 451 undecided cases inherited from the old territorial Supreme court and the Court of Appeals of the Indian Territory. These cases required the application of two diverse systems of law and in the full of them the decision had long been delayed. Nearly as many new cases have been filed since the admission of the state, many of them involving difficult constitutional questions and clamoring for speedy decision. It was of frequent occurrence that legal tangle connected with the building of our state government were submitted to the tribunal of last resort. Remaining steadfastly at their task, the judges have spared to take vacations and the lights of their chambers have often burned far into the night. As a result of their labors some 300 cases have been disposed of. At least fifty new cases decided involved instructions of the Constitution and other perplexities belonging peculiarly to the constructive period of the state. These included such subjects as: Jurisdiction of state courts of crimes committed before statehood; force of prohibition at the time of the constitution in restraining liquor traffic prior to any action by the legislature; harmonizing the Constitution and the old and new statutes governing time of city elections; construction of the referendum provision numerous county seat contests; distribution of property of an old county from whose territory new counties were created; construction of provisions of Constitution prohibiting rail road passers; construction of the new paving law; constitutionality of the depositors' guaranty law; conflict of authority between regents of the University and state board of education; causes removable to Federal courts, etc., etc.

Thus it will be seen how fortunate that the people elected a Supreme court in full sympathy with the Constitution they adopted. Chief Justice Williams and Justice Hayes and Kane were leading members of the Convention which drafted the document; Justice Dunn was State Democratic chairman in the remarkable campaign which resulted in putting the convention so competently in the hands of the Democratic party; while Justice Turner was known to be equally in sympathy with the provisions of the document adopted. Nearly everybody but Taft regards our Constitution as a good chart to guide a ship of state; yet sooner or later all constitutions have to be construed, and Oklahoma has been construed by its friends.

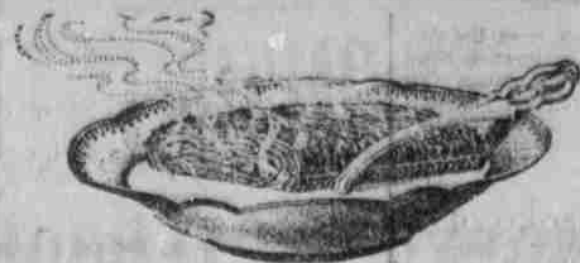
Among those who have observed the voluminous work of the court and kept conversant with its decisions, it is the unanimous verdict that its judges have made good eminently good. The people should and will gladly return Judge Williams and Hayes to the bench for another and longer term.

Special prizes will be given by the Guthrie Candy Co. for the best angel food, devil's food and white cakes, also on single and double crust pies, all to be exhibited at the Guthrie Fall Fair, November 10-14. You can get a premium list at the Retailers' office, 116 West Oklahoma avenue, phone 47.

MARRIED WOMEN

Every woman covets a shapely figure, and many of them deplore the loss of their girlish forms after marriage. The bearing of children is often destructive to the mother's shapeliness. All of this can be avoided by the use of **Mother's Friend** before baby comes, as this innocent prepares the body for the strain upon it, and preserves the symmetry of her form. **Mother's Friend** makes the danger of child-birth less, and carries her safely through this critical period. Thousands gratefully tell of the benefit and relief derived from the use of this remedy. **MOTHER'S FRIEND** sold by druggists. Back mail order to all our customers. THE MANUFACTURING CO., Atlanta, Ga.

"IN SICKNESS OR IN HEALTH" the food that gives bounce and buoyancy to mind and body is



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made of the whole wheat, steam-cooked, shredded and baked in the cleanest, finest food factory, in the world used by invalids and athletes because it presents the greatest amount of strength-giving material with the least tax upon the digestion. Try it for breakfast.

State Question No. 2 The Torrens System

Now that voters are beginning to study state propositions to be voted on November 2, the speech of Hon. Wm. H. Murray on the Torrens land system, state question No. 2, will be of interest.

Gentlemen: I desire to explain the system of land registration known as "The Torrens Land System," a system of registering titles as distinct from registering evidence of title such as deeds, which system brings about our cumbersome, expensive and uncertain abstract system. The Torrens' system had its origin in Australia in 1854. It first came to the United States and received official notice by Governor Russell, of Massachusetts, where it is in force in its fullest vigor of any state in the American Union; although it is in force in modified form in the states of California, Colorado, Minnesota, Oregon and Washington and by the Philippine commission and acts of congress has been adopted in Hawaii and the Philippine islands, a copy of which last laws I have in my possession. It was extended throughout the German empire by the code of 1896. It is also in Denmark, Austria and Hungary and most of the cantons of Switzerland, the county of London, England, and in most of the provinces of Canada; in fact, in my opinion the law as it is in force in the province of Ontario is the best on this continent. It is in force in some form in all of these states notwithstanding the stubborn opposition with which it has been met by the abstract companies and by land attorneys. When once understood it is irresistible, because it is the one law, and the only one with which I am acquainted, upon which the richest man in the state as well as the poorest in the state unite their endorsements. It is true it is costly in the abstract system and very fight it. It is hurtful to the lawyer, and of course, he fights it; however, for the first generation it will assist the land lawyer and give him an increased amount of litigation, but in the end the system is completely installed, after which a land suit involving title is practically unknown. Bills, of course, will occur to foreclose liens for taxes and for the loan of money, and also to probate wills and estates, but the title is at every stage known to every citizen who can read—not so with the abstract system. By the method of abstracting generally in force in the United States, everything is uncertain and attended with great expense. Any farmer or business man desiring to purchase land first demands of the land owner to procure an abstract, which usually costs \$1.00 a page with the minimum price of \$5.00; there is one page for every transfer, hence in the course of a hundred years say there may be 20 or 100 or more of these transfers each costing 50 cents to \$1.00 a page; every step since the beginning of the sale of that land is recited in an abstract. A friend of mine recently told me of one abstract in the state of Kansas that cost him \$14,000.00. There was an abstract made out in the City of Mexico a short while ago that weighed 500 pounds and cost many thousands of dollars. The next step of the purchaser is to present that abstract to a lawyer and retain him to look it over and render an opinion as to the title. The lawyer does so and gives an opinion that may be good and it may be absolutely worthless; the man goes upon the land, (perhaps it is unimproved) he builds a home upon it and after he is fixed and feels that he is safely anchored once in a home. Years rolled by; a defect in the title is discovered; the real owner sued him for possession; he goes into court, is defeated in the first trial, he sells some of his personal property and appeals the case and hires additional counsel; he loses again and goes to the supreme court where he loses not only the personal property which he had to spend for attorney's fees and court costs but loses his case and his home. This is not overdrawn, hundreds of occurrences of this kind have happened, it is

is not an exception even to the rule, it is the rule. Again, under the abstract system a man desires to borrow some money quickly to save him, perhaps from financial ruin; he goes to the bank, the bank is afraid of the title, the bank has no certain means of knowing, especially at the moment, perhaps by reason of not being able to get the loan when he had landed security he meets with financial ruin. Now, the Torrens' system is the reverse, it is not a registration of deeds and evidence of title, it is an absolute register of title. First, however, there must be a trial to determine the ownership and then all deeds are cancelled and all except loans or liens upon the land; a certificate is issued to the owner for the deed and after that there is never but one outstanding certificate and that certificate shows every condition of title. Any man as soon as he sees the certificate and it is marked "Torrens' Land" knows that it is good, it is just as sound and as safe as buying a government bond; in fact, the Wall Street Journal last spring said "That the Torrens' Land Certificate is the safest security that could be made by law." I have but recently a letter from the Governor General of Ontario, in one of the provinces of Canada, in which he said: "Of all the many things of which we are proud in this province we are most proud of our Torrens' Land Law." Now, suppose the holder of a Torrens' Certificate desired to borrow some money upon a tract of 100 acres of land, say \$100.00 and he'd go to Representative Briggs' bank over there and say I desire to borrow \$100.00. Mr. Briggs would say, is your land "abstract land or Torrens'?" If he should reply abstract Mr. Briggs would say I would like to submit that to my attorney first; and perhaps to the end of a week he might get an opinion and then refuse the loan, but if he said it's Torrens' he would say let me see the certificate. The moment he looked upon the certificate he knew every condition of the title without a single cent of expense. Now the only thing he would want to know would be the kind of land or about what the land was worth. If he knew of the land he would be ready then as he would ever be, to make the loan because he would know the whole power of the state was behind that property to protect the title. Now suppose he would loan the \$100.00 the owner would have that certificate cancelled on the clerk's records and a new one issued to the owner, whom we will suppose to be Representative Rainey here, on the face of that certificate issued to Rainey, would be this statement: "G. W. Briggs holds a first lien for the sum of \$100.00 on this tract of land." Then if Mr. Rainey would show that certificate to anyone it could be seen easily what the condition of the title is, that is, say, that the title in fee belonged to M. M. Rainey, of Atoka, but that G. W. Briggs, of Granite, holds a first lien of \$100.00. Now suppose Mr. Rainey at a later date would desire to borrow \$100.00 and he should go to Representative Robert Johnson's bank in the town of Chickasha. Mr. Johnson would ask what kind of land it is "abstract" or "Torrens'?" Mr. Rainey would answer it is "Torrens'." Then he would ask to see the certificate when Johnson looked at the certificate he would know the condition of the title and the only question that he would want to know is whether or not the land would stand one more hundred dollars. If he knew, from traveling over the land or from his personal knowledge previously gained, it is so valuable land he would be as ready then as he ever would be to loan on that piece of land. Should he make the loan that certificate would be cancelled and a new one issued showing that land belonged to R. M. Rainey, that the first lien was held by G. W. Briggs for \$100.00, and that a second lien was held by Robert H. Johnson for \$100.00. Now as Mr. Rainey paid off that lien the same process of cancelling the certificate and the issuance of new ones eliminating the payments until all had been paid and no liens existing, there would not be any mortgages filed, but all liens would show themselves on the face of the certificate. The transfers made would cost the ordinary fee of 50 cents or \$1.00 of getting certificates of any matter or copies of ordinary certificates of any matter of record. It is just simple and indeed works on the same plan of transferring stock in a corporation on the books of the company, except the land is transferred on the books of the Torrens' Land Records by a bonded officer of the state, usually made by the register of deeds. Now opponents of this system when they make an argument against it they begin to recite that it is declared unconstitutional in Illinois and Ohio. Yes, that is true. True because there was some kind of sympathy, in one instance, between the lawyer and the

court, in others because the state constitution, but it has been tested before the supreme court of Massachusetts and has gone to the supreme court of the United States in the case where in the supreme court of the United States has said that it complied with the due process of law of the land and that it did not violate the constitution of the United States. If it did violate the constitution of the state, it was declared unconstitutional in Illinois because there was no actual powers placed upon the clerk, although it is in force in a defective way in Cook county, Illinois, and yet I hold before me a book from a real estate dealer of Illinois in which there are the names of some 300 business men, bankers, real estate dealers, railroad magnates, capitalists and other citizens of Chicago all stating that they were satisfied with the Torrens' land certificate under the Illinois plan, even in its defective form. Railroad presidents say in this book that they would accept a Torrens' certificate in preference to the legal deed backed up by bond to guarantee title because it is safer and as you know bonds are supposed to be the safest thing in the business world.

Now a word as to why the constitution of Oklahoma should be amended and I want to say in that connection that from the floor of the Sequoyah convention I had this provision put in the Sequoyah constitution. From the floor of the constitutional convention of Oklahoma I tried to have it put into the constitution of our state but failed because I didn't have votes enough. To establish the system, it requires the establishment of a court, if necessary, with power of original and supreme jurisdiction over that specific work. It requires the exercise of authority of certain certain semi-judicial functions upon the keeper of the titles; it requires express authority for the state to guarantee title. All of these different requirements are at least questionable under the Oklahoma constitution and certainly the constitution prohibits the creation of any court except courts inferior to the supreme court.

Now a word to the guaranty proposition, one might say that it is subject, and the charge has been made of a liability of bankruptcy itself to guarantee these titles. The method of guarantee is similar to the bank guaranty law enacted by this legislature, that is, when the suit is filed to clear the title a certain very small percent (in Massachusetts one-half of one mill) of the value of the land is put into a fund known as a "Torrens' guaranty fund" and remains there with which to pay the owner should he court make a mistake in the land title it is registered. The real owner might turn up and prove that the suit was in his decision, but he would have to do this in the limit of time (in most laws within two years) or he is forever barred from bringing the suit. If he should do so he can't recover the land, but from this guaranty fund he is paid the value that is placed upon the land at the time he title was cleared up by the court. If we continue the present method and we will have to do so unless we amend the state constitution, of loaning the school fund on real estate we will run into extreme danger of losing a lot of that fund unless we had a very certain system such as the Torrens' Land System would afford us.

You May Enjoy Your Meals

If You Will But Equip Your Stomach With the Right Means to Handle the Food.

If you go into a restaurant, cafe or hotel, where all your environments are lights, dazzling linen, silver, cut glass, music, chatting and laughing women, seem to forget of a pleasant meal, your stomach should not revolt when you read the menu card. Heavy stews, soups, oysters, snappers, salads, etc., should hold no terrors for the healthy stomach and they do not.

A small box of Stuart's Dyspepsia Tablets placed in your vest pocket will be sufficient guard against the misadventure of a worn-out stomach.

A tablet taken a few moments after a copious meal will remove any ill effects of food from your stomach, and you may eat as generously as those about you.

One of these little tablets will of itself settle all questions of indigestion for that meal and will place your stomach and digestive organs in a better condition for the next.

We need the system in Oklahoma for that reason more than any other. For another reason the titles are young, that is, transfers have been made but a short time, we could start out issuing certificates upon the three million acres of school land and by that means start big heavy acreage under the system at practically no expense. We could take the situated lands and do the same way as there would be absolute certainty as to their title and within a generation every piece of land in the state would be carried into the court and its title cleared up by itself when the school fund being loaned upon that would thus be protected. In brief the Torrens' Land System is a quick, inexpensive, certain method of ascertaining titles and a quick easy method of transfer.

You will observe that the amendment proposed in this resolution does not compel the legislature or the people of the state to enact the system in this state, merely gives the legislature power to do it, or the people to do it by initiative petition if the legislature refuse, and thereby render it constitutional and give the system to it, not crippled as it is in Ohio, Illinois and as it is in some of the other states, but in all its force and vigor so that it will in fact benefit the state.

Now I desire to read the resolution (just as I request it to be submitted to the people). It would become section 61, of article 5, of the constitution and would read as follows:

Section 61. The legislature shall have power to provide for a system of adjudicating land titles and determining the rightful owners of real estate, and shall have power to create the necessary court or courts with jurisdiction, original, exclusive and supreme or concurrent, and also to provide for the registration of land titles and to guarantee the same and to empower any department of state, or of any legal subdivision thereof, to keep records of land titles and shall further have power to create the need of.

Woman interrupts Political Speaker. A well dressed woman interrupted a political speaker recently by continually coughing. If she had taken Foley's Honey and Tar it would have cured her cough quickly and expelled the cold from her system. The genuine Foley's Honey and Tar contains no opiates and is in a yellow package, refuse substitutes. C. R. Renfro.

Weinberger's smokery carries the best line of high grade smoking tobacco in the city.

SCISSORS IN ABDOMEN

Special to Daily Leader.

Wichita, Kas., Oct. 23.—Mrs. W. R. White, of Braman, Okla., the woman from whose body a pair of surgeon's scissors were taken at a local hospital a year ago last spring, has been in the city during the past few weeks. She and her husband came here with their daughter, Opal White, who was operated on at the Wichita hospital for appendicitis.

Mrs. White is said to have much better health than she had when she carried the surgeon's scissors around with her, but her husband says she is not very strong yet.

Mrs. White was brought here and operated on about three years ago. After she had returned to her home in Oklahoma, she became ill and suffered extreme pain. She was brought here again and the wound was reopened. The surgeons found a pair of pliers in her body. They had been left in the wound at the first operation.

Mr. and Mrs. White and their daughter, who has recovered, will return to Braman today.

FULL DINNER PAIL JOKE

Special to Daily Leader.

Chicago, Oct. 23.—During the course of a Republican demonstration a few days ago in a West Virginia town, when a street parade was a part of the program, a small boy was arrested for carrying an empty dinner pail. It appears that the lad had placed the pail upon a long stick which he waved along the line of march. The exhibition so increased the feelings of the Republicans that they made complaint to the police and had the boy arrested. It appears that the full dinner pail is no longer an issue in the campaign, and that Republicans object to any reference to the empty dinner pail.

KIMBALL Pianos

The Tone That Lingers in Memory

THE full, bell-like tone of the Kimball Piano lingers long in memory. It is different, richer, sweeter, more refined than any other. There are reasons for this marvelous quality. It lies in the superiority of material and in the conscientious care bestowed on the construction of the Kimball by the highest class of skilled piano builders. That is why we can give you the strongest guarantee for durability and musical satisfaction.

The piano you purchase, to be satisfactory, must be constructed to withstand the changes of our peculiar climate and home heating systems. The Kimball bell-metal covered iron block (the heart of the piano), is not only impervious to moisture, but is positively unaffected by heat or cold. The Kimball patent metal hammers and damper flanges can not be affected by atmospheric changes. These things give the Kimball that lasting *heavenly quality* so much desired by every purchaser. Let us send you our catalogue, prices and terms.

Free: Words and Music "Love's Old Sweet Song." To every person answering this advertisement at once we will send a copy of The Musical Herald containing the words and music of "Love's Old Sweet Song," and much valuable piano information. We will also explain our selling and money-saving plan whereby you can obtain a Kimball on a convenient basis of payment.

Read what the Greatest Musicians say

Johanna Gadski writes that "The Kimball ranks with the best."

Emma Leman: "I am charmed with the Kimball's beautiful tone."

Myrtle Elynn: "The Kimball Pianos are superb specimens of artistic piano building, and furnish the most perfect medium for every phase of piano playing."

Emil Liedling: "The Kimball Piano meets my requirements in every respect."

F. De Reszke: "The Kimball is absolutely satisfactory."

John Philip Sousa: "The Kimball Piano is first-class in every respect."

Walter Damrosch: "The Kimball is pure, refined and powerful of tone." And scores of others add equally convincing testimony.

Leading Tuners

everywhere will tell you that the Kimball patent combined hammer and damper flange saves more trouble and expense than any other one thing. J. L. Sheldon, of Topeka, Kan., one of the best known tuners in the United States, says: "The Kimball hammer and damper flange naturally do away with the defects of the old style, which caused sluggishness, displacement and rattling."

John S. Austin, of Minneapolis:

"It prolongs the life of the piano."

James Parkinson, of Providence, R.I., says: "The Kimball brass flange is the only one that will keep the hammers and dampers in exact position, thereby saving lots of trouble and expense."



The guarantee of W. W. Kimball Co. is back of every part of this great instrument. 180,000 Kimball Pianos are in use in the homes of the best people in the land. Write today. Get our money-saving plan.

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Incorporated under the laws of Oklahoma and you are protected. Enter any time. The Greatest Short-hand School in the world. Our students are learning shorthand in 95 days and telegraphy in two months. We teach quickly and thoroughly. Bookkeeping, Short-hand, Touch Typewriting, Penmanship, Telegraphy for R. R. operator, Civil Service, Ad. Writing, R. R. Accounting, Higher English and Mathematics, WIRELESS TELEGRAPHY for Government Positions. Every teacher an expert. Finest penman in the state. Take your business course at Guthrie—the Capital of the state—so you can get a High Salary Position as soon as you graduate. It costs but little more to attend a first class college. It means an increase of \$10 to \$20 to your salary.

Law Department—Chief Justice R. L. Williams is Dean of the Law Department. Associate Justices Jesse J. Dunn, Matthew J. Kane, S. W. Hayes, John B. Turner and Judge John H. Cottrell, U. S. District Judge, Special Lecturers, Judge Lawrence, Referee in Bankruptcy, Judge A. H. Huston, Judge of District Court, Hon. C. G. Hornor and Hon. Horace Speed, Faculty.

The 11 members of the Bar Commission will be invited to make Special Lectures. Two years' course. Degree LL. B.

Write for large free catalog.

W. A. GULEEDGE, A. M., LL. B., Pres.

For Ladies.

Yates Center, Kas., Sept. 18, 1908. After my doctor gave me up to die, Halls Texas Wonder cured me of Rupture and bladder trouble. It is the best medicine on earth. Mrs. H. S. Johnson, Sold by all druggists.

Col. A. P. Watson left last evening for Tulsa where he delivered an address.

MURRAY HAS A RELAPSE.

Tishomingo, Okla., Oct. 23. Hon. Wm. H. Murray, who was in town Saturday making arrangements to re-open the campaign after an illness of some three weeks, has suffered a relapse and is confined to his bed at his country home near Tishomingo. It is probable he will be unable to go into the campaign again this fall.

CASTORIA

for Infants and Children.

The Kind You Have Always Bought has borne the signature of Chas. H. Fletcher, and has been made under his personal supervision for over 30 years. Allow no one to deceive you in this. Counterfeits, Imitations and "Just-as-good" are but Experiments, and endanger the health of Children—Experiences against Experiment.

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In Use For Over 30 Years.